

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
AUG 22 2016

CLERK

UNITED STATES OF AMERICA,
Plaintiff,

CR. 16-10028-02

-vs-

ORDER SETTING CONDITIONS
OF RELEASE

JOSEPHINE THUNDERSHIED,
Defendant.

On August 18, 2016, the Court conducted a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f).

IT IS ORDERED that Josephine Thundershield shall be released subject to these conditions:

- (1.) Josephine Thundershield shall not commit any offense in violation of federal, state or local law (including tribal) while on release in this case.
- (2.) Josephine Thundershield shall appear at or participate in all case-related matters scheduled by her attorney. In addition, Josephine Thundershield shall promptly answer all correspondence and promptly return all telephone calls from her attorney and shall cooperate fully with her attorney so that the attorney is able to properly and efficiently manage the case.
- (3.) Josephine Thundershield shall appear at or participate in all proceedings as required by a judicial officer of the District of South Dakota and shall surrender herself for service of any sentence imposed as directed.
- (4.) Josephine Thundershield shall provide her current address and telephone number to her Pretrial Services Officer and to the U.S. Probation Office in Aberdeen, South Dakota and shall immediately advise the Court, her Pretrial Services Officer or the U.S. Probation Office in Aberdeen, South Dakota and her attorney of any change in her residence and/or telephone number.
- (5.) Josephine Thundershield must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.

RELEASE ON PERSONAL RECOGNIZANCE OR UNSECURED BOND

IT IS FURTHER ORDERED that Josephine Thundershield shall be released on her own personal recognition based on her promise to appear when directed and comply with the terms and conditions of release as set forth herein.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably ensure the appearance of Josephine Thundershield and the safety of other persons and the community,

IT IS FURTHER ORDERED that the release of Josephine Thundershield shall be subject to the following conditions:

- (6.) Defendant shall immediately report any contact with any law enforcement officer to her Pretrial Services Officer.
- (7.) Defendant shall report to the U.S. Probation Office as directed by her Pretrial Services Officer or a U.S. Probation Officer.
- (8.) Defendant shall contact her Pretrial Services Officer as directed by the Court or Pretrial Services.
- (9.) Defendant shall not reside with any minor children.

ADVICE OF PENALTIES AND SANCTIONS

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for Defendant's arrest, a revocation of release, an order of detention, as provided in 18 U.S.C. §3148, and a prosecution for contempt as provided in 18 U.S.C. §401 which could result in a possible term of Imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not less than two years nor more than ten years, if the offense is a felony; or a term of imprisonment of not less than ninety days nor more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and shall be imposed in addition to the sentence received for the offense itself.

18 U.S.C. §1503 makes it a criminal offense punishable by up to five years of imprisonment and \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years of imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C.

§1512 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. §1513 makes it a criminal offense punishable by up to ten years of imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten or attempt to do so.

18 U.S.C. §3146. If after having been released, Defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order, she shall be punished as hereafter provided in this section. If Defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:

1. An offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, Defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
2. An offense punishable by imprisonment for a term of five years or more, but less than fifteen years, Defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
3. Any other felony, Defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
4. A misdemeanor, Defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the Defendant in the above-entitled case and that I am aware of all of the conditions of my release. I promise to obey all conditions of release, to appear as directed, and to surrender myself for service of any sentence that may be imposed. I am fully aware of the penalties and sanctions set forth above.

8-18-16

Dated

Josephine Thundershield
Josephine Thundershield

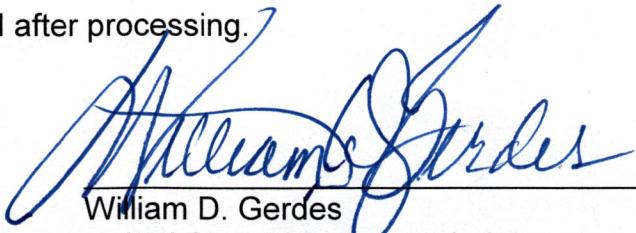
Mailing Address

McLaughlin 608-314-4172
Telephone Number

DIRECTIONS TO UNITED STATES MARSHAL

Defendant shall be released after processing.

Date: August 18, 2016



William D. Gerdes
United States Magistrate Judge

Original Filed with Clerk
cc: Defendant
US Attorney
US Marshal